

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

Webb Hill,

Plaintiff,

v.

Wynn Resorts, Limited d/b/a Encore Las
Vegas,

Defendant.

Case No. 2:21-cv-02113-CDS-DJA

Order

Before the Court are Defendant's motions to strike Plaintiff's second amended complaint and notice. (ECF Nos. 46 and 47). Defendant moves to strike Plaintiff's amended complaint because Plaintiff did not seek Defendant's approval or the Court's leave before filing it. (ECF No. 46). Defendant moves to strike Plaintiff's notice because it is an improper filing. (ECF No. 27). Because the Court has already ordered the notice stricken, it denies the motion to strike the notice as moot. (ECF No. 27). Because the Court finds that Plaintiff has not followed the federal or local rules in filing his amended complaint, the Court grants Defendant's motion to strike the amended complaint. (ECF No. 26).

On June 29, 2022, the Court ordered that Plaintiff's "notice" be stricken from the record. (ECF No. 44). Plaintiff appeared to have cc'd the Court's docketing email on an email to opposing counsel and the Court found this to be an improper filing. (*Id.*). The Court thus denies Defendant's motion to strike this document as moot. (ECF No. 47).

Under Federal Rule of Civil Procedure 15(a)(2), if a party does not amend within twenty-one days after serving their pleading, a party may amend only with the opposing party's written consent or the court's leave. Under Local Rule 15-1, a party moving to amend must attach the proposed amended pleading to a motion seeking leave of the court. Under Rule 12(f) of the Federal Rules of Civil Procedure, the Court may strike from a pleading an insufficient defense or

1 any redundant, immaterial, impertinent, or scandalous matter. Fed. R. Civ. P. 12(f).
2 Additionally, the Court may strike an improper filing under its “inherent power over the
3 administration of its business.” *Spurlock v. F.B.I.*, 69 F.3d 1010, 1016 (9th Cir. 1995). Like Rule
4 12(f) motions to strike, striking material under the Court’s inherent power is wholly discretionary
5 *See Almy v. Davis*, No. 2:12-cv-00129–JCM–VCF, 2014 WL 773813, at *4–5 (D. Nev. Feb. 25,
6 2014); *Jones v. Skolnik*, No. 3:10-cv-0016-LRH-VPC, 2015 WL 685228, at *2 (D. Nev. Feb. 18,
7 2015).

8 Here, Plaintiff filed an amended complaint without first moving to amend the complaint
9 and after twenty-one days of serving it. (ECF No. 41). It thus violates the federal rules and the
10 local rules. Because Plaintiff’s amended complaint is improperly filed—and thus immaterial—
11 the Court grants Defendant’s motion to strike it.

12
13 **IT IS THEREFORE ORDERED** that Defendant’s motion to strike Plaintiff’s amended
14 complaint (ECF No. 46) is **granted**. The Clerk of Court is kindly directed to strike Plaintiff’s
15 amended complaint (ECF No. 41) from the docket.

16 **IT IS FURTHER ORDERED** that Defendant’s motion to strike Plaintiff’s notice (ECF
17 No. 47) is **denied as moot**.

18
19 DATED: July 25, 2022

20
21 
22 _____
23 DANIEL J. ALBRIGHTS
24 UNITED STATES MAGISTRATE JUDGE
25
26
27
28